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**PATENT**  
Attorney Docket No.: 082368-000700US  
Client Reference No.: ONC-A0407-US

On December 8, 2004

TOWNSEND and TOWNSEND and CREW LLP

By: Aaron Hokamura  
Aaron Hokamura

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

NAKAMURA and DAIGO

Application No.: 10/809,821

Filed: March 24, 2004

For: METHOD FOR DAMAGING  
CELLS USING EFFECTOR  
FUNCTIONS OF ANTI-FAM3D  
ANTIBODY

Examiner: Not yet assigned

Art Unit: Not yet assigned

**INFORMATION DISCLOSURE  
STATEMENT UNDER 37 CFR §1.97 and  
§1.98**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the US patent references (AA - AD) are not enclosed, in accordance with the USPTO waiver of the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. patent applications filed after June 30, 2003. Copies of the remaining references (AE - AT) are enclosed. It is respectfully requested that the cited references be expressly considered

during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



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Reg. No. 34,774

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60373411 v1



Institute for form 1449A/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>				Application Number	10/809,821
Sheet	1	of	2	Filing Date	March 24, 2004
				First Named Inventor	Nakamura, Yusuke
				Art Unit	Not yet assigned
				Examiner Name	Not yet assigned
				Attorney Docket Number	082368-000700US

<b>U.S. PATENT DOCUMENTS+</b>					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AA	2003/0022239 A1	01/30/2003	Baker et al.	
	AB	2003/0059909 A1	03/27/2003	Baker et al.	
	AC	2003/0082698 A1	05/01/2003	Baker et al.	
	AD	2003/0087352 A1	05/08/2003	Baker et al.	

<b>FOREIGN PATENT DOCUMENTS</b>						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code <sup>3</sup>	Number <sup>4</sup> Kind Code <sup>5</sup> (if known)			
	AE	WO	2004/031412	A2	04/15/2004	Oncotherapy Science, Inc.; and Japan as represented by the President of the University of Tokyo
	AF	WO	2004/031413	A2	04/15/2004	Oncotherapy Science, Inc.; and Japan as represented by the President of the University of Tokyo
	AG	WO	2004/031414	A2	04/15/2004	Oncotherapy Science, Inc.; and Japan as represented by the President of the University of Tokyo
	AH	WO	2004/038045	A2	05/06/2004	Oncotherapy Science, Inc.; and Japan as represented by the President of the University of Tokyo

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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Kind Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

60373411 v1

Substitute for form 1449B/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				<i>Application Number</i>	10/809,821
				<i>Filing Date</i>	March 24, 2004
				<i>First Named Inventor</i>	Nakamura, Yusuke
				<i>Art Unit</i>	Not yet assigned
				<i>Examiner Name</i>	Not yet assigned
Sheet	2	of	2	<i>Attorney Docket Number</i>	082368-000700US

<b>NON PATENT LITERATURE DOCUMENTS</b>				
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		
	AI	American Cancer Society; "Cancer Facts and Figures 2001"; 2001; pp. 1-41; American Cancer Society, Inc., Atlanta, GA.		T <sup>2</sup>
	AJ	CARTRON, Guillaume <i>et al.</i> ; "Therapeutic activity of humanized anti-CD20 monoclonal antibody and polymorphism in IgG Fc receptor Fc $\gamma$ RIIIa gene"; <i>Blood</i> ; February 1, 2002; pp. 754-758; Vol. 99; The American Society of Hematology		
	AK	CLYNES, Raphael A. <i>et al.</i> ; "Inhibitory Fc receptors modulate <i>in vivo</i> cytotoxicity against tumor targets"; <i>Nature Medicine</i> ; April 2000; pp. 443-446; Vol. 6, No. 4;		
	AL	FRY, Willard A. <i>et al.</i> ; "Ten-year survey of lung cancer treatment and survival in hospitals in the United States: A national cancer data base report"; <i>Cancer</i> ; 1999; pp. 1867-1876; Vol. 86; American Cancer Society		
	AM	FUJITA, Manabu <i>et al.</i> ; "Up-regulation of th ectodermal-neural cortex 1 (ENC1) gene, a downstream target of the $\beta$ -catenin/T-cell factor complex, in colorectal carcinomas"; <i>Cancer Research</i> ; November 1, 2001, pp. 7722-7726; Vol. 61		
	AN	HE, Tong-Chuan <i>et al.</i> ; "PPAR $\delta$ is an APC-regulated target of nonsteroidal anti-inflammatory drugs"; <i>Cell</i> ; October 29, 1999; pp. 335-345; Vol. 99; Cell Press		
	AO	KRIS, M. G. <i>et al.</i> ; "A phase II trial of ZD1839 ('Iressa') in advanced non-small cell lung cancer (NSCLC) patients who had failed platinum- and docetaxel-based regimens"; <i>Proceedings of the ASCO</i> ; 2002; p. 292a (Abstract 1166); Vol. 21		
	AP	LIN, Yu-Min <i>et al.</i> ; "Identification of AF17 as a downstream gene of the $\beta$ -catenin/T-cell factor pathway and its involvement in colorectal carcinogenesis"; <i>Cancer Research</i> ; September 1, 2001; pp. 6345-6349; Vol. 61.		
	AQ	NAKAMURA, Toru <i>et al.</i> ; "Genome-wide cDNA microarray analysis of gene expression profiles in pancreatic cancers using populations of tumor cells and normal ductal epithelial cells selected for purity by laser microdissection"; <i>Oncogene</i> ; February 9, 2004; pp. 2385-2400; Vol. 23; Nature Publishing Group		
	AR	NON-SMALL CELL LUNG CANCER COLLABORATIVE GROUP; "Chemotherapy in non-small cell lung cancer: a meta-analysis using updated data on individual patients from 52 randomised clinical trials"; <i>BMJ</i> ; October 7, 1995; pp. 899-909; Vol. 311		
	AS	PENICHET, Manuet L. <i>et al.</i> ; "A recombinant IgG3-(IL-2) fusion protein for the treatment of human HER2/neu expressing tumors"; <i>Human Antibodies</i> ; 2001; pp. 43-49; Vol. 10; IOS Press		
	AT	ZHU, Yuan <i>et al.</i> ; "Cloning, expression, and initial characterization of a novel cytokine-like gene family"; <i>Genomics</i> ; August 2002; pp. 144-150; Vol. 80, No. 2; Elsevier Science; USA		

Examiner Signature	Date Considered
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.